

Appl. No.: 10/080,023

Attorney Docket No.:10541-1281

II. Remarks

Reconsideration and re-examination of this application in view of the the following remarks is herein respectfully requested.

No Claims have been amended, no claims have been cancelled, and no claims have been added. Accordingly, after entering this amendment, claims 1, 5-7, 9, 17 and 18 remain pending.

Claim Rejections - 35 U.S.C. §103

Claims 1, 5-7, and 17-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over either U.S. Patent No. 6,386,220, issued to Koenings (Koenings) or U.S. Patent Application Publication No. 2002/0162593 to Arnold (Arnold) in view of Yokota et al.

Koenings was filed on May 22, 2000 and Arnold was filed on May 3, 2001 and published on November 7, 2002. In order for these references to qualify as prior art under 35 U.S.C. § 103(a) they must qualify as prior art under 35 U.S.C. § 102. As stated below:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The present application is a divisional application (as stated during the initial filing of the present application) and claims priority to a parent application filed on April 23, 1999 having the serial number 09/298,444 and entitled "Solenoid Operated Hydraulic Control Valve". Therefore, Koenings and Arnold are not prior art relative to the present application. The 35 U.S.C. § 103(a) is moot and should be withdraw.

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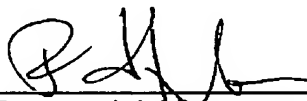
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Conclusion

In view of the remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

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